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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,853	02/08/2002	Hiroaki Tanaka	4351-0101P	9675

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EXAMINER

BOCHNA, DAVID

ART UNIT PAPER NUMBER

3679

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,853

Applicant(s)

TANAKA ET AL.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 29 May 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 4-5 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Japanese Patent 406,213,385.

In regard to claim 1, Japanese Patent '385 discloses an electrofusion joint (fig. 1) made of a thermoplastic resin comprising a saddle portion 1 provided with heating wires 3 embedded in its seating surface to be joined to an outer circumferential surface of a resin pipe 2; a spigot 13 projecting from the saddle portion 1 and to which a branch pipe is to be connected (via 12); and collar portions 14 formed on both sides of the saddle portion 1 so that a latch 15 of a clamping device can be engaged; wherein a recess 11 is formed at least in a part on the collar portion side 14, along the base of the spigot 13 projecting from the saddle portion 1.

In regard to claim 4, the electrofusion joint is a saddle joint 1.

In regard to claim 5, the electrofusion joint is a service tee joint (12 and 2 form the tee joint).

In regard to claims 11, the thermoplastic resin comprises medium density polyethylene.

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2-3, 6-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent 406,213,385.

In regard to claims 2 and 8-10, Japanese Patent '385 discloses an electrofusion joint made of a thermoplastic resin comprising a saddle portion 1 provided with heating wires 3 embedded in its seating surface to be joined to an outer circumferential surface of a resin pipe 2; a spigot 13 projecting from the saddle portion 1 and to which a branch pipe is to be connected (via 12); and collar portions 14 formed on both sides of the saddle portion so that a latch 15 of a clamping device can be engage, but Japanese Patent '385 does not specifically disclose the wall thickness of the saddle portion. However, it would have been obvious to make the saddle portion within the range of 6 to 9 or 7 to 8 mm because the change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

In regard to claim 3, a recess 11 is formed at least in a part on the collar portion side 14, along the base of the spigot 13.

In regard to claim 6, the electrofusion joint is a saddle joint 1.

In regard to claim 7, the electrofusion joint is a service tee joint (12 and 2 form the tee joint).

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In regard to claim 12, the thermoplastic resin comprises medium density polyethylene.

5. Claims 2, 6-7, 10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz. In regard to claims 2 and 10, Katz discloses an electrofusion joint made of a thermoplastic resin comprising a saddle portion 22 provided with heating wires 6 embedded in its seating surface to be joined to an outer circumferential surface of a resin pipe; a spigot 34 projecting from the saddle portion or projecting in a lateral direction from a trunk portion 2 projecting from the saddle portion 22 and to which a branch pipe is to be connected; and collar portions formed on both sides of the saddle portion so that a latch of a clamping device can be engage, but Katz does not specifically disclose the wall thickness of the saddle portion. However, it would have been obvious to make the saddle portion within the range of 6 to 9 or 7 to 8 mm because the change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

In regard to claim 6, the electrofusion joint is a saddle joint.

In regard to claim 7, the electrofusion joint is a service tee joint.

In regard to claim 12, the thermoplastic resin comprises medium density polyethylene (see column 2, line 9).

Response to Arguments

6. Applicant's arguments with respect to claims 1-3 have been considered but are moot in view of the new ground(s) of rejection.

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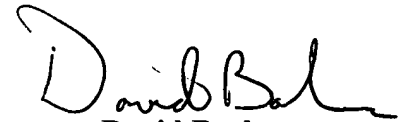
Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (703) 306-9040.

The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H. Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


David Bochna
July 11, 2003